



IFW DAE

**CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this Office Action Response, pursuant to 37 C.F.R. § 1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450, on:

Date: May 23, 2005

By: George J. Marcone  
Signature of Person Depositing as First Class Mail

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s):	Michael N. Kozicki, et al.	Docket No.:	29089.5200
Serial No.:	10/796,808	Group Art Unit:	2823
Filing Date:	March 8, 2004	Examiner:	Kebede, Brook
Title:	<b>PROGRAMMABLE STRUCTURE INCLUDING AN OXIDE ELECTROLYTE AND METHOD OF FORMING SAME</b>	Confirmation No.:	2075

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35 USC  
119(E) FOR BENEFIT OF PRIOR-FILED PROVISIONAL APPLICATION**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

Dear Sir:

In accordance with 35 USC § 119(e) and CFR § 1.78(a)(6), Applicants hereby petition for acceptance of the priority claim of the present application to Provisional U.S. Patent Application Serial No. 60/452,648, entitled FABRICATION OF PROGRAMMABLE METALLIZATION CELL DEVICES WITH OXIDE ELECTROLYTES, filed March 7, 2003. The entire delay between the date the priority claim was due under CFR § 1.78(a)(5)(ii) to the filing of this petition was unintentional.

Applicants hereby authorize the Commissioner to debit Deposit Account No. 19-2814 for the Petition Fee under 37 CFR §1.17(t) (\$1,330.00). **This statement does not authorize the payment of the issue fee.**

Should you have any questions, please do not hesitate to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

Date: 5/23/05

By 

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